

REMARKS

One issue raised in the objection is whether it was necessary to state in the present pending application that the slurries were unthickened. The cited reference establishes that it improved the existing slurries by thickening them. Thus, the existing slurries were necessarily unthickened.

Therefore, it would be well known to make unthickened slurries by virtue of the very proof offered by the Examiner to reject the claims. Namely, the cited reference teaches that its improvement is thickening and, therefore, unthickened slurries would be well known to any practitioner in the art. *Loom Company v. Higgins*, 105 U.S. (15 Otto) 580 (1881) (holding that anything that is well known is effectively presumed to be present within the specification). Therefore, there was no need to say that the conventional slurry was unthickened because one skilled in the art would know, absent any other teaching, that the conventional slurry was being referred to. Therefore, the rejection based on enablement cannot lie.


The objection that the term unthickened is indefinite is also noted. However, unthickened means no thickening and, therefore, it cannot be indefinite. The cited reference teaches that conventional slurries have no thickener in there. Thus, the word "unthickened" is absolute and not relative and, therefore, one skilled in the art would know what unthickened means. It means no thickening agent.

Therefore, reconsideration of this rejection is also requested.

The prior art rejection apparently has ignored the "unthickened" limitation. It plainly teaches a thickened slurry. The assertion that it would be obvious to use a thickening agent is noted, but its impact on the patentability of the claims is not understood.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]
Attorneys for Intel Corporation